

**Department of Human Resource Management
Direct Service Agency
Unlawful Harassment Exam for Employees
Answer Key
April 2007**

Liability and Legal Standards and State Harassment Policy

1. Title VII, 1964 Civil Rights Act, specifically prohibits employment discrimination based on religion, color, national origin, race, or sex. It was amended in 1972 to include sexual harassment.
2. The Civil Rights Act of 1991 grants plaintiffs the rights to a jury trial.
3. The Age Discrimination in Employment Act (ADEA) protects individuals of all ages from being discriminated against based on age. False
4. The Americans with Disabilities Act (ADA) covers all disabled persons. False
5. An employer is liable for acts of all harassment in the workplace where the employer knows or should have known of the conduct, unless it can show it took immediate and appropriate corrective action. True
6. The state of Utah has a policy prohibiting unlawful harassment based race, religion, national origin, color, sex, age, disability or protected class.
7. Unlawful harassment includes behavior that is unwelcome, pervasive, demeaning, ridiculing, derisive, or coercive, and results in a hostile offensive, or intimidating work environment.
8. An employee may be subject to corrective action or discipline for unlawful harassment towards another employee, even if that harassment occurs outside of scheduled work time or work location, provided that the harassment meets the requirements of R477-15-2(2). True

Terms and Concepts

1. Unlawful Harassment is any behavior or conduct based on an individual's protected class status which is pervasive, unwelcome,

demeaning, ridiculing, derisive, or coercive and results in a hostile, abusive or intimidating work environment.

2. Anyone who utilizes the harassment complaint process is protected against acts of retaliation.
3. Individuals who are protected from discrimination on the basis of their race, religion, national origin, color, sex, age over 40 and disability or other statutorily established criteria are often referred to as protected class.
4. An employment decision based on an individual's race, religion, national origin, color, sex, age, or disability such as not promoting someone because of their religious background is an example of tangible employment action.
5. An employee who is Muslim is constantly being teased by co-workers about the religious head scarf she wears to work. She has been asked several times by her supervisor to remove it. Co-workers have also consistently made derogatory remarks about her religion and Middle Eastern descent. This is an example of religious harassment, but is also might be referred to as a hostile work environment.
6. List the following:

BIAS:

gender
age
religion

ISM:

sex
race

Categories of Unlawful Harassment

1. List three categories of unlawful harassment:
tangible employment action
hostile work environment
third-party harassment
2. Name three protected classes:
disability, national origin, race and color, religion, age, gender, sex
3. All state employees are required to adhere to the applicable principles of fairness, equality, integrity, consistency and merit principles. True

4. Complimenting an adult woman on her appearance is a form of unlawful harassment. False
5. Mimicking a person's speech may be considered unlawful harassment. True
6. Displaying offensive cartoons about the elderly could be considered unlawful harassment. True

How to tell if You are Stepping Over the Line:

1. If my co-worker asks me to stop patting him on the shoulder, I should continue to pat him since I'm just being friendly and he is too sensitive. False
2. If someone objects to my behavior I should (stop/continue) the behavior.
3. I know that my intentions are good. Therefore I don't have to worry about stepping over the line. False

Reporting:

1. If you are uncomfortable with someone's behavior, you have the right to issue a verbal objection.
2. You must tell the person before you file a complaint. False
3. If the behavior doesn't stop you may retaliate by refusing to work with the individual. False
4. You may be subject to disciplinary action if you leave work without permission from your supervisor. True
5. You may contact someone other than your supervisor to report harassing behavior. True

Investigations

1. In a preliminary review, the supervisor will interview the complainant and interview the alleged harasser after consulting HR. True
2. If needed a supervisor will conduct a formal investigation. False
3. If parties from multiple departments are involved, a formal investigation must be conducted. True
4. The integrity of any investigation depends upon strict confidentiality.
5. Employees are protected against retaliation for exercising their right to file an unlawful harassment claim or participating in any related proceedings.
6. Copies of records established as a result of a harassment investigation are retained as a permanent part of an employee's file. False

Employee's Name (Print)

Employee's Signature

Date

Empl ID or Soc. Sec. Number

UNLAWFUL HARASSMENT PREVENTION PROGRAM EMPLOYEE STATEMENT

(Post to Personnel Records)

As an employee for the State of Utah, I acknowledge the following:



First, I have been informed of the Executive Order forbidding sexual harassment.

Specifically, I have read and understand all items contained within the March, 1993 Governor's Executive Order.



Second, I have been informed of all employees' rights to fair and equitable treatment.

Specifically, I have read and understand the current DHRM rules on Unlawful Harassment Policy and Procedure.



Third, I am aware that all State employees are assured access at several points to a complaint system on unlawful harassment related matters.

Specifically, I have read and understand the complaint system policies and procedures contained in the DHRM, Human Resource Management Rules on unlawful harassment. I understand that employees may contact their supervisor, or any of the individuals designated by their Department or the State.



Fourth, I have been made aware of unlawful harassment and its prohibition within any public employee's work place.

Specifically, I have received employee training that covered the following topics:

- A. Liability and legal standards contained in: Title VII, 1964 Civil Rights Act; EEOC Unlawful Harassment Policy Guidelines; Utah Law; DHRM Rules; and Department Policy.
- B. What type of behavior constitutes unlawful harassment and other terms associated with it such as hostile work environment, tangible employment action, illegal discrimination, and protected classes.
- C. Examples of types of harassment such as age-based, racial, religious, national origin, disability, sexual, and third party harassment.
- D. My responsibilities as an employee to prevent unlawful harassment and/or stop such behavior if it occurs.
- E. My rights as an employee to be protected from retaliation if I complain about unlawful harassment.
- F. The Unlawful Harassment Complaint Procedure for all employees.



Fifth, I will comply with all state and departmental executive orders, policies, procedures, and rules governing unlawful harassment and understand that failure to do so shall result in disciplinary action which may include termination and possible referral for criminal prosecution.

Signed _____ Date _____

Print Name _____ SSN/EIN _____

Agency _____ Division _____

Instructor_____